

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

CORNELIUS HILL

and

TRUDIE HASTINGS HILL H/W

Plaintiffs

SCHIFFFAHRTSGESELLSCHAFT MS

PRIWALL mbH & Co. KG

and

REEDEREI F. LAEISZ G.m.b.h., ROSTOCK

Defendants

:
:
:
:
:
:
:
:
:
:
:
:

NO. 02-CV-2713

JURY TRIAL DEMANDED

ORDER

AND NOW, this day of , 2004, upon consideration of the Motion of defendants Schiffahrtsgesellschaft MS Priwall mbH & Co. KG and Reederei F. Laeisz G.m.b.h., Rostock for Sanctions, and any response thereto, it is hereby ORDERED that the Motion is GRANTED. Plaintiff Trudie Hastings Hill is precluded from presenting any claim for loss of consortium, services, support, and companionship at trial.

BY THE COURT:

J.

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

CORNELIUS HILL

and

TRUDIE HASTINGS HILL H/W

Plaintiffs

SCHIFFAHRTSGESELLSCHAFT MS

PRIWALL mbH & Co. KG

and

REEDEREI F. LAEISZ G.m.b.h., ROSTOCK

Defendants

NO. 02-CV-2713

JURY TRIAL DEMANDED

**DEFENDANTS' MOTION FOR SANCTIONS
PRECLUDING ALL CLAIMS FOR LOSS OF CONSORTIUM,
SERVICES, SUPPORT, AND COMPANIONSHIP AT TRIAL**

Defendants Schiffahrtsgesellschaft MS Priwall mbH & Co. KG (“Priwall”) and Reederei F. Laeisz G.m.b.h., Rostock (“Laeisz”), by their attorneys, Rawle & Henderson, LLP, hereby move this Honorable Court for an Order imposing sanctions precluding all claims for loss of consortium, services, support, and companionship at trial, and, in support thereof, aver as follows:

1. Plaintiffs Cornelius Hill and Trudie Hastings Hill, husband and wife, filed this lawsuit against defendants Priwall and Laeisz to recover damages that they allegedly sustained on August 24, 2000, while plaintiff Cornelius Hill was working aboard the M/V SEA PANTHER.

2. Plaintiff Trudie Hastings Hill is seeking damages for loss of consortium, services, support, and companionship that she alleges arise out of her husband's accident. See Plaintiff's Amended Complaint, ¶18.

3. On February 16, 2004, plaintiff Trudie Hastings Hill testified for the first time that she had had an automobile accident around the same time as her husband's accident.

and had filed suit and claimed damages in connection with that automobile accident.

4. In the lawsuit arising from that automobile accident, plaintiff Trudie Hastings Hill was represented by Robert P. Fine, Esquire.

5. Plaintiffs' current counsel maintains a business relationship with Mr. Fine, Esquire, such that current counsel often handles cases on a regular basis on behalf of Mr. Fine.

6. In fact, Mr. Fine was the original attorney of record for the plaintiffs in this matter.

7. On February 18, 2004, defendants served a subpoena upon Mr. Fine directing him to produce all pleadings and medical records related to Mrs. Hill's personal injury lawsuit arising from the automobile accident.

8. Mr. Fine has refused to produce the subpoenaed records without a signed authorization from Mrs. Hill or a Court Order.

9. Counsel for defendants thereafter requested the assistance of plaintiffs' current counsel in obtaining the records.

10. Plaintiffs' counsel has not cooperated with this request.

11. The subpoenaed documents are clearly discoverable under the Federal Rules of Civil Procedure.

12. Plaintiffs' refusal to cooperate with defendants to secure the subpoenaed documents prejudices defendants' ability to defend against Mrs. Hill's claims for loss of consortium, services, support, and companionship in this action.

13. The only effective relief that can be granted defendants for plaintiffs' failure to cooperate is to preclude plaintiffs from presenting any claims for loss of consortium, services, support, and companionship at trial.

WHEREFORE, defendants Priwall and Laeisz respectfully request that this Court

grant its Motion for Sanctions and preclude plaintiffs from presenting any claims for loss of consortium, services, support, and companionship at trial.

Respectfully submitted,

RAWLE & HENDERSON LLP

By: _____
Carl D. Buchholz, III, Esquire
David S. Santee, Esquire
Attorneys for Defendants
The Widener Building
One South Penn Square
Philadelphia, PA 19107
Phone: (215) 575-4200.

DATED:

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

CORNELIUS HILL

and

TRUDIE HASTINGS HILL H/W

Plaintiffs

SCHIFFAHRTSGESELLSCHAFT MS

PRIWALL mbH & Co. KG

and

REEDEREI F. LAEISZ G.m.b.h., ROSTOCK

Defendants

NO. 02-CV-2713

JURY TRIAL DEMANDED

**MEMORANDUM OF LAW IN SUPPORT OF
DEFENDANTS' MOTION FOR SANCTIONS
PRECLUDING ALL CLAIMS FOR LOSS OF CONSORTIUM,
SERVICES, SUPPORT, AND COMPANIONSHIP AT TRIAL**

Plaintiffs Cornelius Hill and Trudie Hastings Hill, husband and wife, filed this lawsuit against defendants Priwall and Laeisz to recover damages that they allegedly sustained on August 24, 2000, while plaintiff Cornelius Hill was working aboard the M/V SEA PANTHER. Plaintiff Trudie Hastings Hill is seeking damages for loss of consortium, services, support, and companionship that she alleges arise out of her husband's accident. See Plaintiff's Amended Complaint, ¶18.

On February 16, 2004, plaintiff Trudie Hastings Hill testified for the first time that she had an automobile accident around the same time as her husband's accident, and had filed suit and claimed damages in connection with that automobile accident. In the lawsuit arising from that automobile accident, plaintiff Trudie Hastings Hill was represented by Robert P. Fine, Esquire. Plaintiffs' current counsel maintains a business relationship with Mr. Fine, Esquire, such that current counsel often handles cases on a regular basis on behalf of Mr. Fine. In fact, Mr. Fine was the original attorney of record for the plaintiffs in this matter.

On February 18, 2004, defendants served a subpoena upon Mr. Fine directing him to produce all pleadings and medical records related to Mrs. Hill's personal injury lawsuit arising from the automobile accident. Mr. Fine has refused to produce the subpoenaed records without a signed authorization from Mrs. Hill or a Court Order. Counsel for defendants thereafter requested the assistance of plaintiffs' current counsel in obtaining the records. Plaintiffs' counsel has not cooperated with this request.

The subpoenaed documents are clearly discoverable under the Federal Rules of Civil Procedure. Plaintiffs' refusal to cooperate with defendants to secure the subpoenaed documents prejudices defendants' ability to defend against Mrs. Hill's claims for loss of consortium, services, support, and companionship in this action. The only effective relief that can be granted defendants for plaintiffs' failure to cooperate is to preclude plaintiffs from presenting any claims for loss of consortium, services, support, and companionship at trial.

CONCLUSION

For the foregoing reasons, defendants Priwall and Laeisz respectfully request that this Court grant its Motion for Sanctions and preclude plaintiffs from presenting any claims for loss of consortium, services, support, and companionship at trial.

Respectfully submitted,

RAWLE & HENDERSON LLP

By: _____
Carl D. Buchholz, III, Esquire
David S. Santee, Esquire
Attorneys for Defendants
The Widener Building
One South Penn Square
Philadelphia, PA 19107
215-575-4200

DATED:

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

CORNELIUS HILL

and

TRUDIE HASTINGS HILL H/W

Plaintiffs

SCHIFFAHRTSGESELLSCHAFT MS

PRIWALL mbH & Co. KG

and

REEDEREI F. LAEISZ G.m.b.h., ROSTOCK

Defendants

NO. 02-CV-2713

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I do hereby certify that the foregoing Motion for Sanctions with Supporting Memorandum of Law were served by hand delivery to the following counsel of record:

E. Alfred Smith, Esquire
1333 Race Street, 2nd Floor
Philadelphia, PA 19107
Attorney for Plaintiff

Carl D. Buchholz, III, Esquire

Date: